

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

VALLEY HOSPITAL MEDICAL CENTER, INC.,
d/b/a VALLEY HOSPITAL MEDICAL CENTER

Respondent.

And

Case No. 28-CA-213783

LOCAL JOINT EXECUTIVE BOARD OF LAS VEGAS

Charging Party.

**RESPONDENT'S BRIEF IN SUPPORT OF RESPONDENT'S CROSS-EXCEPTIONS
TO CHARGING PARTY'S EXCEPTIONS TO THE DECISION OF THE
ADMINISTRATIVE LAW JUDGE**

On November 16, 2018, Charging Party filed Exceptions to the Decision of the ALJ. Charging Party's Exception 4 requests the Board reverse the ALJ's finding that there was no violation and fashion a remedy whereby Respondent would be required to pay money directly to Charging Party for dues which were not withheld from unit members' paychecks. The requested remedy is a violation of federal criminal statute 29 U.S.C. §186(a)(2), Taft Hartley Act §302(a)(2). As Charging Party points out in its brief, §302(a)(2) is a criminal statute which makes it a felony for an employer to make payments of any kind to a labor organization except in the case where valid dues check-off authorizations have been received. Therefore, any relief whereby an employer would pay funds directly to a union, and not deduct them from properly authorized unit members' paychecks would constitute a remedy requiring both the employer and the labor organization to commit a federal crime. Therefore, in the event any remedy herein is fashioned, it must not find that Respondent pay directly out of its own assets, funds to a labor organization.

Respectfully submitted,

/s/ Thomas H. Keim, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that the RESPONDENT'S BRIEF IN SUPPORT OF RESPONDENT'S CROSS-EXCEPTIONS TO CHARGING PARTY'S EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE in *Valley Hospital Medical Center Inc., d/b/a Valley Hospital Medical Center*, Case 28-CA-213783, was served via E-Filing and E-Mail, on this 30th day of November 2018, on the following:

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